THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 25912 of 2005

Dated: 24-03-2006

Between:

Mohd. Yaseen

..... PETITIONER

AND

K.Anjaiah and 12 others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION No. 25912 of 2005

O R D E R:

This writ petition is filed seeking a writ of Certiorari to call for the records relating to the order dated 22-07-2004 in I.A.No.667 of 2004 in C.T.A.No.103 of 2004 on the file of the Court of A.P. Co-operative Tribunal, Hyderabad and to

quash the same as illegal and arbitrary and to direct the Tribunal to implead the petitioner as party respondent in C.T.A.No.103 of 2004.

By order dated 20-05-2004, the Managing Committee of the 13th respondent-Society was superseded under Section 34(1) of the A.P. Co-operative Societies Act,1964 (for short 'the Act'). Against the said order, the respondents 1 to 10, who are the members of the Managing Committee preferred C.T.A.No.103 of 2004 before the A.P.Co-operative Tribunal, Hyderabad. However, the Tribunal declined to grant stay pending the appeal. Aggrieved by the same they filed W.P.No.13393 of 2004 and the same was disposed of by this Court suspending the order of supersession dated
20-05-2004 till the disposal of the appeal. While so, the petitioner herein, who is a member of the 13th respondent-Society filed I.A.No.667 of 2004 under order I Rule 10 C.P.C. to implead him as respondent to C.T.A.No.103 of 2004. The said application was dismissed by the Tribunal by order dated 22-07-2004 holding that his presence is not necessary to settle the dispute involved in the appeal. The said order is under challenge in this writ petition.

I have heard the learned counsel for both the parties and perused the material on record.

Having regard to the nature of order under challenge in C.T.A.No.103 of 2004, I am unable to hold that the Tribunal below committed any error in dismissing the petition to implead. The discretion exercised by the Tribunal below cannot be termed as unreasonable or perverse nor vitiated on account of any extraneous considerations. Hence, the writ of certiorari cannot be issued.

However, learned counsel for the petitioner submits that in spite of the fact that the appeal was filed long back in the year 2004 and in spite of the order of this Court in W.P.No.13393 of 2004 directing to dispose of the appeal within six weeks, there is no progress in the proceedings and since the superseded committee is continuing in the office, the delay in disposal of appeal is adversely affecting the interest of the Society.

Having regard to the said fact and keeping in view that the appeal is pending from the year 2004 onwards, I deem it appropriate to dispose of the writ petition with a direction to the Tribunal below to dispose of C.T.A.No.103 of 2004 in

accordance with law, positively on or before 28-04-2006.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI,J

Dated: 24-03-2006

Note: Issue C.C. in two days.

B/o

klp